

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MATTHEW RIZZUTO

Matthew,

17-CV-07381-ILG-ST

-against-

BILL DE BLASIO, Individually and as Mayor of  
The City of New York, THE CITY OF NEW YORK,  
DAVID A. HANSEL, Individually and as  
Commissioner, CITY OF NEW YORK  
ADMINISTRATION FOR CHILDREN'S  
SERVICES, SEYMOUR W. JAMES, JR.,  
Individually and as Attorney-In-Chief of The  
Legal Aid Society, LEGAL AID SOCIETY,  
ROBERT J. MAHON, Individually and as  
Executive Director SCO Family of Services,  
SCO FAMILY OF SERVICES f/k/a ST.  
CHRISTOPHER OTTILIE, SAMUEL ANTUPIT  
And LORETTA ANTUPIT,

Defendants.

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**DECLARATION OF  
MATTHEW RIZZUTO**

I, MATTHEW RIZZUTO, declare the following to be true and correct:

1. At all times herein mentioned I am over the age of eighteen years and the named Plaintiff herein.
2. I make this declaration in furtherance of my opposition to the collective movants' motion to disqualify my counsel of choice from representing me in this action.
3. The underlying Family Court abuse petition was filed in 2001 when I was three (3) years old with proceedings including three (3) separate fact finding hearings continuing through 2010.
4. I have neither independent recollection of the events that brought upon the action nor any knowledge of any events or proceedings in the Family Court which commenced nearly seventeen (17) years ago.
5. I am not an attorney and have no independent knowledge of any witnesses or the evidence adduced at the hearings.

6. As such, besides my parents' personal knowledge of the Family Court proceedings, I am totally dependent on the defendants themselves, who solely possess all the testimony transcripts of three fact finding hearings, mental health care records of myself and my parents, all caseworker reports, Service Plans, motion practice and Family Court Orders.

7. Based upon their past actions of deceiving the Family Court and the Appellate Division I do not trust the defendants to be forthcoming in complying with anticipated discovery orders and remain skeptical I can get a fair hearing with an attorney not familiar with the entirety of the underlying Family Court proceedings nevertheless obtain any meaningful discovery.

8. Realizing I might have to retain alternative counsel, I tried to Google® civil rights attorneys whose practices undertake civil rights violations inherent in family court proceedings. I found all of the practitioners I contacted specialize in prisoner's civil rights during their incarceration. Each attorney indicated he/she was unknowledgeable, unwilling or unable to take my case if my Father was disqualified as my lawyer.

9. My present counsel has intimate knowledge of Family Court proceedings including Article 10 fact finding hearings, Permanency hearings and Termination hearings over nine years involvement which underlie the subject matter of this case.

10. Based upon the above, I strongly believe that my father, an accomplished attorney with over 25-years experience having been involved in the Family Court proceedings over a nine year period, would be the only one to effectively represent me in all phases of this action and respectfully request he represent me in the interest of substantial justice.

11. For the same reasons set forth above, should it be decided my father would be unable to represent me in a jury trial, I would alternatively respectfully request my father represent me in a trial before a trial judge, waiving my request for a jury trial, in the interest of justice.

12. If the Court is not so inclined to allow my father represent me in either a jury trial or a bench trial, I respectfully request my father be allowed to represent me at least during the Pre-Trial phase of the litigation to keep the defendants honest during discovery in the interest of substantial justice. Based upon the ongoing deceptive, if not criminal, acts of the defendants, I believe my fears are completely justified. Upon completion of discovery, I will obtain trial counsel to plead my case before a jury.

Dated: July 2, 2018  
Valley Stream, New York



MATTHEW RIZZUTO